

## Final Staff Draft Delta Plan

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**Summary:** The Final Staff Draft Delta Plan was released for public review on May 14, 2012. At the May 24, 2012 meeting, the Council heard a brief overview its contents. Public comments on the draft close on June 13, 2012.

For this meeting staff has assembled two panels of stakeholders to assist in review and discussion of the Final Staff Draft Delta Plan. As part of the review process, each panelist will have time to make a brief presentation on their overall impression of the draft plan, as well as what they believe to be the key issues in the final staff draft. To the extent they have additional comments or feedback, they will have the opportunity to present specific recommendations to the Council.

The Final Staff Draft Delta Plan will be reviewed chapter by chapter, starting with Chapter 2. Per the direction of the Chair at the May 24, 2012 meeting, a “Council Action List” with final changes based on Council direction is presented as an attachment to this staff report and based on the June 14-15, 2012 meetings will be updated and brought to the Council for approval at the June 28-29 meeting. Staff will then proceed to make changes per Council direction. Staff will also provide a “Staff Errata List” of intended staff changes to the Final Staff Draft Delta Plan for Council review at the June 14 and 15 meeting.

Changes to the Final Draft Delta Plan approved by the Council at the second June meeting would be incorporated into a final Plan that will then serve as the basis for recirculating a supplement to the Environmental Impact Report describing environmental impacts of the Final Draft Delta Plan. It also would serve as the basis for submittal of policies to the Office of Administrative Law (OAL) as part of the process to give those policies regulatory effect.

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The Chair asked staff to develop a Council Action list at the May 24 meeting. That list is provided as an attachment to this staff report. The Council heard an overview of the entire Final Staff Draft Delta Plan at the May 24 meeting, but only had time to offer comments and request changes on the Executive Summary and Chapter 1. Those changes are captured in the Council Action list.

Staff has also prepared a “Staff Errata List” which lists minor editing changes for incorporation into the Final Draft Delta Plan. Generally this includes the following types of changes:

- Formatting issues
- Graphics changes
- Consistency issues
- Changes to improve clarity
- Other general clean-up to the document

The Staff Errata List will be available at the June 14-15 meeting.

At the request of the Chair a "track changes" version of the Final Draft Delta Plan will be prepared by staff based on final Council direction received at the June 28-29 meeting. The track changes version will include two colors to indicate sources of the changes: one color to indicate staff changes per the errata list and one to indicate changes that were the result of council action or direction. This version will be made available online upon release of the Final Draft Delta Plan which is anticipated in July 2012, along with the recirculation of a supplemental portion of the Delta Plan draft EIR.

### **Panels:**

Two panels will be convened for this meeting. The first panel will consist of individuals representing key stakeholder organizations and the second panel will consist of financial experts. The purpose of the panels is to create an interactive dialog between the Council, key stakeholders/financial experts and Council staff to discuss significant policy issues, questions and possible solutions as the final staff draft Delta Plan is reviewed. The review process for the final staff draft plan will entail the presentation of an overview of individual chapters, starting with Chapter 2. For each chapter, staff will provide a description and summarize proposed revisions included on the Staff Errata List, as appropriate. Panel members will provide feedback on the chapter and their summaries of issues, questions, and proposed revisions for Council discussion and consideration. Council members will then have an opportunity to provide their key issues, questions and proposed changes and initiate interactive discussion with panel members and staff, and provide an opportunity for members of the public to speak before providing final direction to staff regarding revisions for the Final Draft Delta Plan. It is anticipated that each chapter review will take approximately one hour to complete.

The second panel, comprised of experts in finance, will focus on a review of Chapter 8 (Funding Principles to Support the Coequal Goals) in the Final Staff Draft Delta Plan and a discussion of the development of a Delta Plan Finance Plan moving forward. The process for reviewing this chapter will consist of staff providing a brief overview as described above and then having Council members provide their concerns, questions and suggested revisions for discussion while initiating interactive discussion with panel members. Panel members may also provide brief summaries and thoughts regarding this chapter as well as next steps in the development of a Delta Plan Finance Plan.

### **Anticipated outcomes from this meeting:**

Upon complete review of the Final Staff Draft Delta Plan at the June 14 and 15 meeting, staff anticipates receiving direction on revisions for the Final Draft Delta Plan. Staff will record all requested Council changes on the Council Action List for the public record, as well as indicating all staff and Council changes in the "track changes" version of the Final Draft Delta Plan.

Staff will bring the completed Council Action List to the June 28 and 29 meeting with final approved changes based on Council direction and will then proceed to make all changes for the Final Draft Delta Plan after June 29. Staff will also bring a compilation of comments received on the Final Staff Draft Delta Plan during the May 14 through June 13 comment period for Council review. It is anticipated that many of the comments will have been discussed as part of the stakeholder panel on June 14 and 15. The "track changes" version of the Final Draft Delta Plan, as well as the Final Draft Delta Plan itself will be available in July.

### **Next Steps**

A summary of next steps and anticipated timeline is provided in the table below.

Date	Action(s)
June 14-15, 2012	Council meeting to discuss stakeholder comments on final staff draft Delta Plan
June 28-29, 2012	Council meeting to review and approve changes to appear in Final Draft Delta Plan
July 2012	Anticipated release of Final Draft Delta Plan and recirculation of supplemental Delta Plan Draft PEIR volume with 45 day public comment period. Also commence APA/OAL process with 45 day public comment period
September/October 2012	Respond to comments on supplemental Delta Plan Draft PEIR and APA/OAL package
November/December 2012	Final PEIR considered by the Council for certification, Final Draft Delta Plan considered for adoption and use in final regulatory approval process

Staff expects to receive final direction from the Council on any changes to appear in the Final Draft Delta Plan no later than June 29. That final direction — which will be informed by stakeholder/panel comments, Council comments, and related staff proposed edits discussed during May and June meetings -- will be used by staff to generate a Final Draft Delta Plan in July which will be the subject of CEQA and Administrative Procedures Act/Office of Administrative Law (APA/OAL) processes.

As discussed at the May 24 meeting, CEQA coverage for this revised draft Delta Plan will entail preparing and circulating for public review and comment an additional EIR volume that will supplement the already-circulated Draft Program EIR. The additional volume will specifically address, as a separate and new alternative, the policies and recommendations in the Final Draft Delta Plan generated based on Council direction in June. The additional volume will also include updates to the already-circulated Draft Program EIR, such as updating the comparison of alternatives to include comparison with the final Council draft Delta Plan to be issued in July. Other updates may be added to reflect intervening events since the Draft Program EIR was published last year.

Staff believes that circulating an additional volume is appropriate given the extent of the text changes and reorganization of this revised draft Delta Plan (as compared to the 5th staff draft, which was the subject of the already-circulated Draft Program EIR) and given the Council's commitment to transparency and stakeholder involvement. Staff will publish the additional volume this summer for a 45-day public review and comment period. Additional opportunities for public comment will occur during the APA/OAL process and upcoming Council meetings.

### **List of Attachments**

Attachment 1: Council Action List

### **Contact**

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